

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

GLORIA BURKHAM ANAYA, as Personal  
Representative of the Estate of  
THOMAS WAYNE BURKHAM,

Plaintiff,

vs.

Civ. No. 98-380 BRB/WWD

OFFICER RUBEN MONTEZ, individually  
and in his official capacity; and VILLAGE  
OF LOVING, NEW MEXICO,

Defendants.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court *sua sponte* following a telephone conference with counsel on April 21, 1999. On January 8, 1999, the Initial Pretrial Report in this cause was filed. In that report, Plaintiff was required to identify experts and to serve reports from those experts on or before February 16, 1999. By an order entered March 25, 1999, the Honorable Bobby R. Baldock, Circuit Judge sitting by designation in this cause, granted a joint motion to extend the deadlines for designation of experts and service of their reports. Under this order, Plaintiff was obliged to serve expert reports on Defendants on or before March 31, 1999. Reports from Plaintiff's experts Charles Cassady and John Foust have not been served. No enlargement of the time in which service has to be made has been sought by the Plaintiff.

**WHEREFORE,**

**IT IS ORDERED** that Plaintiff's experts Charles Cassady and John Foust shall be excluded as expert witnesses in the trial of this cause.

**IT IS FURTHER ORDERED** that on or before April 26, 1999, Plaintiff shall serve on Defendants a supplemental report from the proposed expert witness Everett Dillman, Ph.D.

**FINALLY, IT IS ORDERED** that on or before April 26, 1999, Plaintiff shall serve on Defendants full and complete answers to those interrogatories from Defendants which are directed to the identity, address, and telephone number of witnesses which were required to be disclosed by Plaintiff pursuant to Fed. R. Civ. P. 26(a)(1)(A).

  
UNITED STATES MAGISTRATE JUDGE